

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ALPINE POWER SYSTEMS, INC.,)	
)	CASE NO. 1:07-CV-03865
Plaintiff,)	
)	JUDGE BOYKO
v.)	
)	
JARED GILL, et al.,)	
)	
Defendants.)	

CONSENT DECREE AND ORDER

Plaintiff Alpine Power Systems, Inc. (“Alpine”) brought this matter against Defendants Jared Gill (“Gill”) and ETAK Systems, Inc. (“ETAK”) with the filing of its Verified Complaint and Motion for Temporary Restraining Order and/or Preliminary Injunction. Alpine has asserted the following claims against one or both of the Defendants: breach of contract, misappropriation of trade secrets, tortious interference with business and contractual relations, and violation of the Deceptive Trade Practices Act.

Gill and ETAK have denied any wrongdoing.

The parties have agreed to resolve all outstanding issues in the instant action to avoid the costs, burdens and risks of ongoing litigation. The Court has reviewed certain of the terms of the parties’ proposed resolution, which are contained in this Consent Decree and Order, and understands that the parties have entered into a separate confidential Settlement Agreement and Release with other terms. The Court finds the parties’ resolution to be in the best interests of the parties and the public.

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. Gill and ETAK, and any agents or affiliates acting in concert therewith and who have notice of this Order, are hereby restrained and enjoined from using, disclosing or in any way disseminating any trade secrets or other confidential or proprietary information (collectively, "Confidential Information"), if any, of Alpine, including any memoranda, papers, notes, drawings, M.O.P's, S.O.P's, pictures, records, computer information printouts, and any derivatives, copies, facsimiles, or electronic copies thereof, that Gill obtained while in the course of his employment with Alpine. For purposes of this Order, Confidential Information includes, without limitation, Alpine's sales records, circulation, profit and performance reports, pricing manuals, training manuals, M.O.P.'s and S.O.P.'s, pricing procedures, financing methods, customer identities, customer demands, customer current and anticipated requirements, business plans, internal financial statements and projections and the specifics of any specialized products or services of Alpine that it may offer or provide to its customers; however, Confidential Information does not include any information that is generally available in the public domain.

2. Gill and ETAK, and any agents or affiliates acting in concert therewith and who have notice of this Order, are hereby restrained and enjoined from unfairly competing with Alpine through the use of Alpine's Confidential Information that Gill obtained through his employment with Alpine.

3. Gill and ETAK, and any agents or affiliates acting in concert therewith and who have notice of this Order, are to immediately return to Alpine the original and all copies of any Confidential Information of Alpine in their possession or control.

4. Until December 1, 2008, Gill and ETAK, and any agents or affiliates acting in concert therewith and who have notice of this Order, are hereby restrained and enjoined from soliciting or selling products or services to any past or present customer of Alpine based upon Alpine's Confidential Information that Gill obtained through his employment with Alpine.

5. Until December 1, 2008, Gill is hereby restrained and enjoined from soliciting on behalf of himself or any entity including without limitation ETAK, any business in the states of Ohio, Pennsylvania, West Virginia, Michigan, Iowa, Kentucky, Indiana and Wisconsin regarding any product or service that is competitive to any product or service then currently sold by Alpine. This provision does not prohibit ETAK, and its other employees and agents, from soliciting Alpine's customers in the states of Ohio, Pennsylvania, West Virginia, Michigan, Iowa, Kentucky, Indiana and Wisconsin, subject to the other provisions of this Order.

6. Until December 1, 2008, Gill is hereby restrained and enjoined from soliciting any business from any person with whom he dealt as an employee of Alpine at any time after October 15, 2005, to purchase from ETAK any product or service that is competitive to any product or service then currently sold by Alpine. This provision does not prohibit ETAK, and its other employees and agents, from soliciting Alpine's customers, subject to the other provisions of this Order

7. This action and any claims, actions, causes of action or the like that could have been asserted are hereby dismissed with prejudice and barred forever.

8. The parties are ordered to take all steps necessary to comply with the terms of this Consent Decree and Order.

9. The parties will bear their own costs and attorneys' fees, and no application or independent action will be filed in any forum to recover such costs or attorneys' fees.

10. This Consent Decree and Order is entered at each party's own costs, and this Court will retain jurisdiction over the instant action, only as necessary to enforce compliance with this Consent Decree and Order and the confidential Settlement Agreement and Release.

IT IS SO ORDERED.

February 11, 2008

DATE

s/Christopher A. Boyko

CHRISTOPHER A. BOYKO

United States District Judge

AGREED AS TO FORM AND SUBSTANCE:

/s/ Joseph N. Gross

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